

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52857 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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KARAN KUMAR Son of Baban Singh @ Baban Rai Resident of Village -
J.P. Dera Chakki, P.O.- Chakki, P.S.- Brahmpur, Distt.- Buxar.

... .. Petitioner/s

Versus

1. The Union of India through Intelligence Officer, Narcotics Control Bureau,
Patna. Bihar
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra, Advocate.
For Union of India : Mr. Manoj Kumar Singh, (C.G.C.)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 30-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Maya Shankar Mishra, learned counsel for
the petitioner as well as Mr. Manoj Kumar Singh, learned
counsel for the Union of India.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with N.C.B. No. 10 of 2021 corresponding to
NDPS Special Case No. 11 of 2021 registered for the offences
punishable under Sections 8(c), 20(b) (ii)(c), 29 of the Narcotic
Drugs and Psychotropic Substances Act.

The prosecution case is based on a written report of
the informant, Junior Intelligence Officer N.C.B. alleging
therein, inter alia, that he received a secret information that co-



accused Sunny Yadav brought a huge consignment of *ganja* from Odisha via Jharkhand and will come to New Gurudev hotel, Aurangabad. On tip of the aforesaid information a team of N.C.B. reached near the hotel and found that three persons including the petitioner, having three plastic bag standing there and on search 79 pocket *ganja* weighing 112.2 Kg. was recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the conscious possession of the petitioner rather the same has been recovered from another place and only on suspicion the petitioner has been apprehended and his name has been implicated. It is next submitted that there is no compliance of Section 50 of the NDPS Act in as much as other infirmities in the search and seizure. It is lastly submitted that the petitioner is in custody since 04.04.2021 and moreover, the investigation of the crime is completed and the charge sheet has been submitted.

On the other hand, learned counsel for the Union of India vehemently opposes the bail application and submits that the alleged recovery has been made from the conscious possession of the petitioner and the petitioner and co-accused persons confessed their involvement in trafficking of *ganja* in



this case and they are members of inter-state gang involving in trafficking of narcotics in the States of Odisha, Bihar and Jharkhand. It is next submitted that the alleged recovered ganja is under commercial quantity and prima facie, there is no reasonable ground for believing that he is not guilty of such offence.

Having considered the submissions made on behalf of the parties and taking into account the materials available on record, it is evident that the N.C.B. seized a huge quantity of *ganja* in commercial quantity and there is no substantial ground for believing that accused is not involved in the offence, this court is not persuaded to enlarge the petitioner on bail for present.

Accordingly, the present application stands dismissed.

However, it is expected that the learned trial court will take all necessary measures to expedite and conclude the trial as early as possible.

(Harish Kumar, J)

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